

### **REMARKS**

The Office Action dated August 12, 2010, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto. Claims 25-68 are currently pending in the application, of which claims 25, 42, 46, and 49-52 are independent claims. Claims 1-24 were previously cancelled without prejudice or disclaimer.

In view of the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

An interview was conducted between the Examiner and Applicants' representative on November 10, 2010. During the Interview substantially the arguments set forth in the remarks below were discussed, and the Examiner indicated that he agreed with Applicants' arguments.

The Office Action rejected claims 25, 28-40, 42-44, 46-47, 51-52, and 55-67 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over "Control Mechanism for High Speed Networks" of Cidon *et al.* ("Cidon") in view of U.S. Patent No. 4,466,060 of Riddle ("Riddle"), and U.S. Patent No. 6,987,727 of Fredette *et al.* ("Fredette"). The Office Action took the position that Cidon teaches many features of the claims, but cited Riddle for "the generation of updating information and wherein the respective updating information sent to immediate offspring nodes differs for each of the immediate offspring nodes based on the spanning tree structure" and cited Fredette for

teaching “distributing in accordance with a spanning tree of routing paths corresponding to shortest paths from said apparatus to all other network nodes.” Applicants respectfully traverse this rejection.

Certain embodiments of the present invention relate generally, for example, to a system in which there is employed a spanning tree of routing paths that corresponds to shortest paths from the network node to all other nodes.

The Office Action introduced Fredette and argued that Fredette teaches distributing in accordance with a spanning tree of routing paths corresponding to shortest paths from said apparatus to all other network nodes, citing column 5, lines 13-35 of Fredette (page 5, 1st paragraph of the present Office Action).

However, the cited passage of Fredette relates to a specific typology broadcast algorithm for computing the shortest path to each network destination. In such a broadcast scheme, nodes broadcast to every other node in the network, update messages containing the state of each of the nodes adjacent links.

In contrast thereto, the presently pending independent claims specify that network parameter information indicating a network parameter change is distributed from the network node to the other nodes in accordance with the spanning tree, wherein a network node generates for each of its immediate offspring nodes a respective updating information which is sent to all of its immediate offspring nodes (claim 25: “distributing network parameter information indicating said network parameter change from said network node to said other nodes in accordance with said spanning tree, wherein said

network node is configured to generate, for each of its immediate offspring nodes, a respective updating information and to send said respective updating information to all of the immediate offspring nodes”). However, this respective updating information differs for each of the immediate offspring nodes based on the spanning tree structure (claim 25: “wherein the respective updating information sent to the immediate offspring nodes differs for each of the immediate offspring nodes based on the spanning tree structure”).

Fredette suggests broadcasting to every other node in the network update messages containing the state of each of the nodes adjacent links. Thus, the updating information does not differ for each of the immediate offspring nodes and does not relate to a network parameter change. Accordingly, it appears that Fredette actually teaches away from the presently claimed invention.

Moreover, it is entirely obscure (to Applicants) why a person of ordinary skill in the art would combine Fredette with Cidon and Riddle. For example, there does not appear to be any particular benefit to combining Fredette with Cidon and Riddle, at least no particular benefit that would have been apparent to one of ordinary skill in the art at the time. As MPEP 2143.01(IV) indicates, a mere statement that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient, by itself, to establish *prima facie* obviousness. There must be “some objective reason to combine the teachings of the references.” (MPEP 2143.01(IV) relying upon *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)).

Additionally, Cidon fails to explicitly state the generation of updating information and wherein the respective updating information sent to the immediate offspring nodes differ for each of the immediate offspring nodes based on the spanning tree structure. Although Riddle may arguably teach the generation of updating information and wherein the respective updating information sent to the immediate offspring nodes differs for each of the immediate offspring nodes based on the spanning tree structure, it is important to notice that the exclusionary tree of Riddle is a description of some portion of the entire network according to the present information of the transmitting node.

This exclusionary tree thus excludes any links connected to the node to whom the routing information is being transmitted. Consequently, the spanning tree of Riddle does not include routing paths corresponding to shortest paths from the network node to all other nodes. The reason for this is that Riddle proposes a different approach, where each transmitting node generates its own spanning tree and forwards it to the neighbor nodes.

One of ordinary skill in the art, therefore, would not combine Riddle with Fredette, since Fredette teaches to broadcast update messages to every other node in the network, wherein the update messages contain the state of each of the nodes adjacent links. This approach totally contravenes the approach of Riddle.

Although the distinctions above have focused on claim 25, independent claims 42, 46, and 49-52 recite at least some similar features to those discussed above with reference to claim 25. Moreover, claims 28-40, 43-44, 47, and 55-67 depend respectively from, and further limit, claims 25, 42, and 46. Thus, each of claims 25, 28-40, 42-44, 46-47,

51-52, and 55-67 recites subject matter that is neither disclosed nor suggested by the combination of Cidon, Riddle, and Fredette, and consequently it is respectfully requested that the rejection of claims 25, 28-40, 42-44, 46-47, 51-52, and 55-67 be withdrawn.

The Office Action rejected claims 26-27, 41, 45, 48, 53-54, and 68 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over Cidon in view of Riddle and Fredette, and further in view of WO 00/70782 of Neumiller *et al.* (“Neumiller”). The Office Action acknowledged that the combination of Cidon, Riddle, and Fredette fails to disclose “wherein said network parameter information is used in a network operation and management procedure in a radio access network.” The Office Action cited Neumiller to disclose this and other features of the claims. Applicants respectfully traverse this rejection.

Claims 26-27, 41, 45, 48, 53-54, and 68 depend respectively from, and further limit, claims 25, 42, and 46. At least some of the deficiencies of the combination of Cidon, Riddle, and Fredette with respect to claims 25, 42, and 46 are discussed above.

Neumiller generally relates to a method and selector for performing selection in a communication system. Unsurprisingly, therefore, Neumiller fails to remedy the above-identified deficiencies of combination of Cidon, Riddle, and Fredette with respect to claims 25, 42, and 46. Accordingly, combination of Cidon, Riddle, Fredette, and Neumiller fails to disclose or suggest all of the elements of claims 26-27, 41, 45, 48, 53-54, and 68, and it is respectfully requested that the rejection of claims 26-27, 41, 45, 48, 53-54, and 68 be withdrawn.

For the reasons set forth above, it is respectfully submitted that each of claims 25-68 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 25-68 be allowed, and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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